



FREDERICK COUNTY PLANNING COMMISSION

December 12, 2012

TITLE:

Center at Monocacy: Lot 15

FILE NUMBER:

SP 96-35, AP #12952, APFO #12954, FRO #12955

REQUEST:**Site Plan and APFO Approval**

The Applicant is requesting Planned Commercial/Industrial Development Site Plan and APFO approval to construct two separate buildings on Lot 15; one 8,000 square foot, one-story restaurant and a 8,125 square foot, one-story building with a 3,500 square foot restaurant and 4,625 square foot commercial retail mix, on a 3.69-acre site.

PROJECT INFORMATION:

ADDRESS/LOCATION: 5101 Pegasus Court
The site is located at the corner of MD Route 85, Buckeystown Pike and Pegasus Court.

TAX MAP/PARCEL: Tax Map 86, Parcel 245, Lot 15
COMP. PLAN: Limited Industrial
ZONING: Limited Industrial
PLANNING REGION: Frederick
WATER/SEWER: W-1, S-1

APPLICANT/REPRESENTATIVES:

APPLICANT: St. John's Properties
OWNER: Liberty Lot 15, LLC
ENGINEER: Harris, Smariga & Associates, Inc.
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Tolson DeSa, Principal Planner II

RECOMMENDATION: Conditional Approval

ATTACHMENTS:

Exhibit #1-Site Plan Rendering Lot 15
Exhibit #2-Letter of Understanding (LOU) Center at Monocacy Lot 1 and 15
Exhibit #3-Parking Space Modification Justification Statement

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting Planned Commercial/Industrial Development Site Plan and APFO approval to construct two separate buildings on Lot 15; one 8,000 square foot, one-story restaurant and a 8,125 square foot, one-story building with a 3,500 square foot restaurant and 4,625 square foot retail use mix, on a 3.69-acre site (See Graphic #1). The proposed uses are being reviewed as "Restaurant" and "Commercial Retail" land uses under the Commercial headings per §1-19-5.310 Use Table in the Zoning Ordinance. These are principal permitted uses in the Limited Industrial Zoning District subject to site development plan approval. This proposed development is also subject to the regulations for a Planned Commercial/Industrial Development in accordance with Section 1-19-10.300 of the Zoning Ordinance.

Graphic #1 Center at Monocacy Lot 15 Site Plan Rendering



BACKGROUND

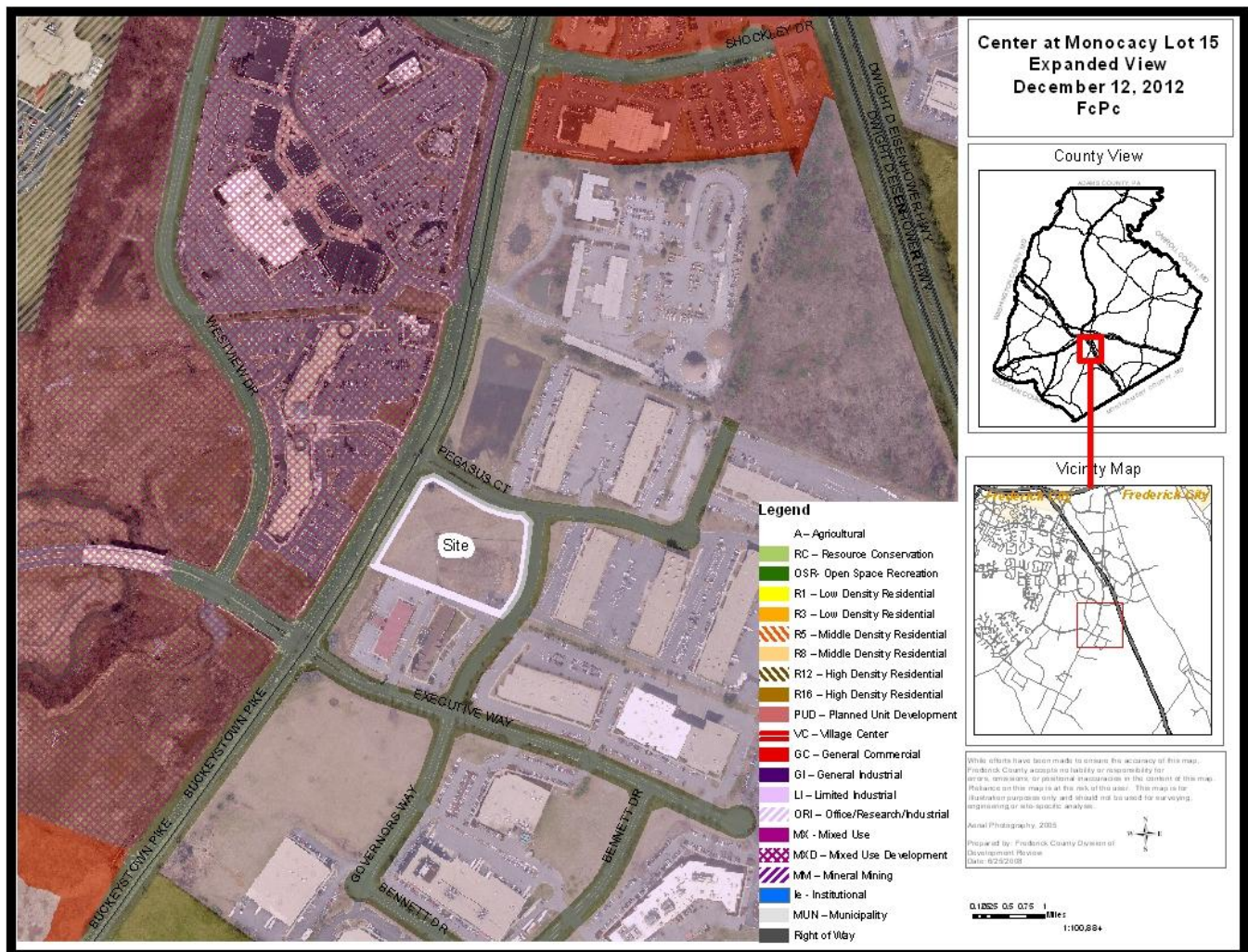
Development History

On May 14th, 2008 this site received site plan approval from the FCPC to construct a 33,117 square foot 42-foot tall four-story, hotel building with an attached restaurant. Those plans were never finalized and the building was never constructed.

Existing Site Characteristics

The site is currently zoned Limited Industrial (See Graphic #2), and is a vacant parcel. The property to the north is currently being developed as Lot 1 of Center at Monocacy (SP 96-35 AP #12946) and is proposed to be flex office business/restaurant/commercial retail space. The property to the south is a developed site containing two hotels. The developed parcels to the east are the remaining Center at Monocacy Lots, while the developed parcels located off of Executive Way comprise the Omega Center development (See Graphic #3).

Graphic #2: Center at Monocacy Lot 15 Zoning Map



ANALYSIS

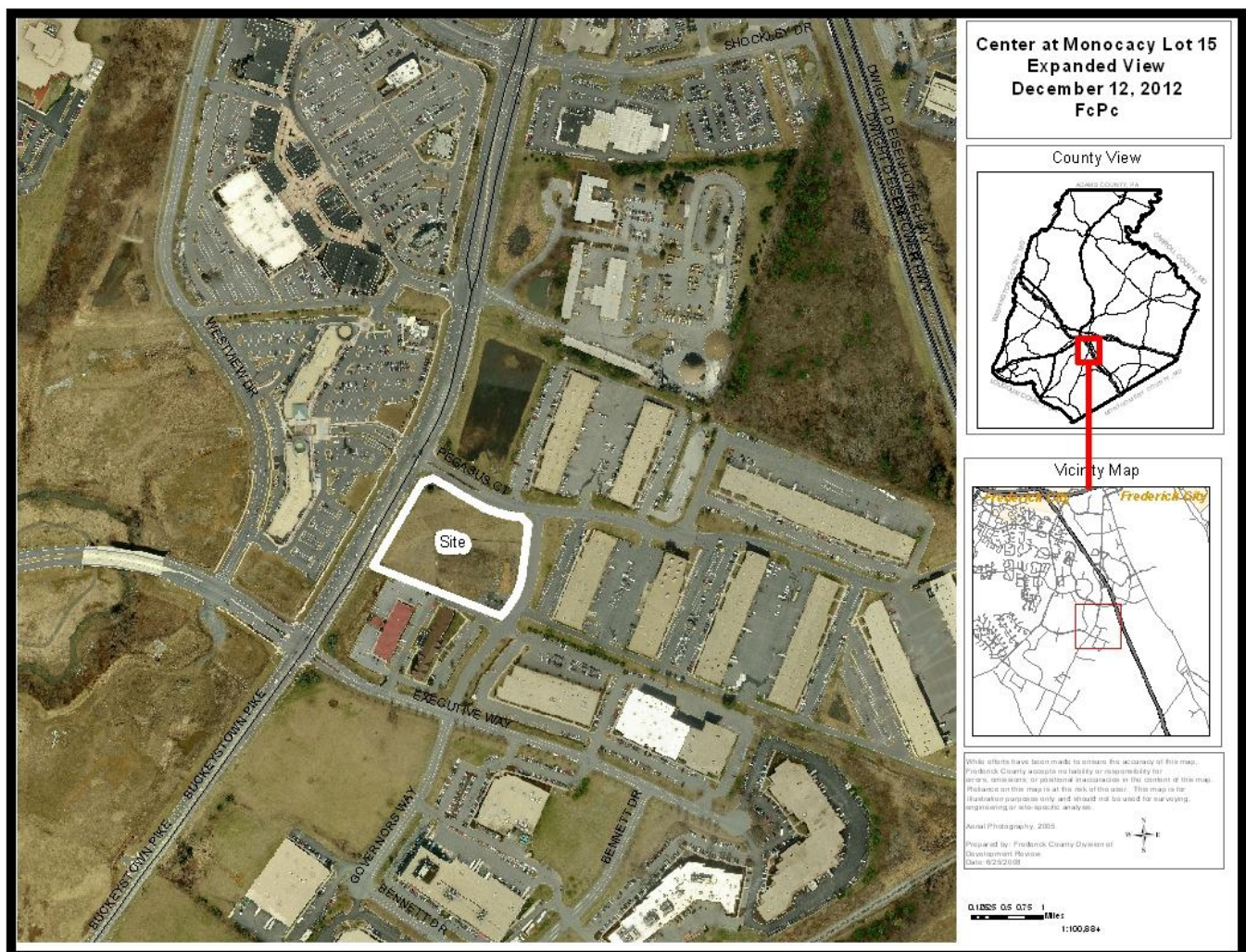
Summary of Development Standards Findings and Conclusions

The key issues related to this site are the following: integrated design of two buildings on one lot, pedestrian connections to adjacent parcels and MD 85, and the regulations related to the Planned Commercial/Industrial Development process.

Staff and the Applicant worked on the overall design of the two buildings in order to achieve an orderly entry into the site, and efficient circulation throughout the site, as well as between the proposed buildings.

The Applicant will provide sidewalks along Governor's Way and Pegasus Court. Pedestrian connections are proposed between the adjacent parcel to the south as well as down Pegasus Court to MD 85. Crosswalks are proposed across Pegasus Court and Governor's Way as well as leading into the site.

Graphic #3 Aerial of Center at Monocacy Lot 15 and region.



Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria and 1-19-10.300 Planned Commercial/Industrial Development of the Frederick County zoning ordinance.

Site Development §1-19-3.300.4 (A): *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

Findings/Conclusions

1. **Dimensional Requirements/Bulk Standards §1-19-6.100:** Section 1-19-6.100 of the Zoning Ordinance stipulates the setback requirements and the minimum lot area for the proposed use. The setback requirements are 25-foot front and 20-foot rear, and side yards shall be equal to the height of the structure. The proposed height is 20 feet. The proposed plan meets the required Bulk/Dimensional requirements.
2. **Signage §1-19-6.300:** Proposed signage will comply with Zoning Ordinance Section 1-19-6.320. Within the LI zoning district industrial owner identification maximum signage is calculated at 10 F, where F is the length of the side of the building facing a public street (measured in lineal feet). As shown on the Applicant's site plan, the maximum signage allowed for Building One is 96.95 square feet; the maximum signage permitted for Building Two is 111.80 square feet. A combination of building mounted signage and freestanding signs are proposed. Two freestanding sign locations have been shown on the MD 85 and Pegasus Court frontages, as proposed, the freestanding signs will not exceed 25 feet in height.
3. **Landscaping §1-19-6.400:** A landscape plan has been submitted as part of the site plan. The proposed plan includes street trees and existing vegetation together with new plantings to be located along common property lines. The landscaping is designed with a variety of plant species which are arranged to provide screening as well as aesthetics. The planting schedule follows the standard sizes that have been consistently approved by the Planning Commission. The Applicant worked with Staff to provide a visually interesting buffer along MD 85 as well as throughout the site. Based on the proposed landscape plan the Applicant adheres to the requirements set forth in Zoning Ordinance Section 1-19-6.400.
4. **Lighting §1-19-6.500:** The zoning ordinance provides that pole and building mounted lighting shall not exceed a maximum height of 24 feet for industrial uses. The Applicant has submitted a lighting plan that proposes 18 foot tall pole lights as well as building mounted lights throughout the site which comply with zoning ordinance requirements. The Applicant's plan does not propose any lighting levels over 0.5 foot candles at the periphery of the property.
5. **Planned Commercial/Industrial Development § 1-19-10.300:**

§1-19-10.300. (A) *Purpose and intent.* The proposed development meets the requirements of this section. The site has been designed to concentrate the proposed complementary uses in order to achieve maximum efficiency, while providing a site that is both accessible for pedestrians as well as vehicles to the developed Center at Monocacy and Omega industrial complexes as well as the MD 85 thoroughfare. The layout and location of the two buildings helps to complement the existing surrounding developed parcels.

§1-19-10.300. (C) *Design standards.* The proposed development meets the design standards of this section. The layout has been designed to provide safe and efficient arrangement of land use facilitating pedestrian and vehicular access into the site, and allowing the user convenient access to both buildings. Staff worked with the applicant to include a generous landscaped island to break up the parking field within the building 1 area.

The proposed uses comply with applicable supplementary Industrial district regulations as well as the Industrial District Performance Standards provided in § 1-19-7.600 and § 1-19-7.610, respectively.

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

Findings/Conclusions

1. **Access/Circulation:** The site is located at the corner of Route 85 Buckeystown Pike and Pegasus Court; the site also has road frontage on Governor's Way. Interconnectivity between Pegasus Court and Executive Way to the south is available via Governor's Way. The site will have access onto Pegasus Court as well as Governor's Way.
2. **Connectivity §1-19-6.220 (F):** The Applicant will provide sidewalks along Governor's Way and Pegasus Court. Pedestrian connections are proposed between the adjacent parcel to the south as well as down Pegasus Court to MD 85. Crosswalks are proposed across Pegasus Court and Governor's Way as well as leading into the site.

The site has full movement vehicular access to Pegasus Court as well as Governor's Way. The buildings have been designed to provide a potential north/south vehicular connection to the adjacent parcel to the south, parallel to Governor's Way.

3. **Public Transit:** This site is served by the MD 85 Commuter Shuttle, which runs Monday through Friday and drops off/picks up at Executive Way at the Omega Center. The building location and site design accommodate public transit service to the site.
4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:** The zoning ordinance requires 1 parking space for every 50 square feet of restaurant customer service area, excluding food preparation and storage. The Applicant is proposing 8,000 square feet of restaurant space for Building One, with 2000 square feet devoted to food preparation and therefore, 120 spaces are required for the restaurant operation. The zoning ordinance requires 1 space for every 300 square feet for general business or commercial retail uses not specified in the parking table. The Applicant is proposing 4,625 square feet of retail space for Building Two; therefore, 16 spaces are required.

Within Building Two the Applicant is also proposing 3,500 square feet of restaurant space with 875 square feet devoted to food preparation and storage; therefore, 53 spaces are required for the restaurant use to be located in Building Two, for a total of 189 required parking spaces. The Applicant is proposing 250 parking spaces, with 8 handicapped accessible spaces.

Zoning Ordinance Section 1-19-6.220.A.1 states: *For the purpose of this chapter, the parking space requirements in the following table will apply. Parking shall be limited to the number of spaces required based on an evaluation of each proposed use, hours of operation, and joint or shared parking agreements. An increase or reduction in the number of required parking spaces may be granted by the Planning Commission where the applicant or Planning Commission authorized representative can demonstrate need based on characteristics of the proposed use, hourly parking demand studies published by the Institute of Transportation Engineers (ITE), or other documentation as approved by the Planning Commission.*

The Applicant has requested a modification in accordance with Section 1-19-6.200.A.1 in order to construct 61 additional parking spaces over the required number of 189 (See Exhibit #3). The Applicant is designing this site for an end user who needs additional parking based on their parking demands.

Staff and the Applicant worked on various designs of this site which help reduce the visual impact of the additional parking. The Applicant placed a majority of the parking behind the buildings, which reduced the visibility of excessive parking from MD 85. The Applicant also increased the number and size of the proposed landscaped islands throughout the parking lot, as well as provide additional parking lot and parking lot screening landscaping throughout the site. While staff still believes the site will be overparked, staff is encouraged by some of the site design changes the Applicant has made. In addition we understand that (at least as of the time of submission), no specific user(s) have been identified for the second building and will encourage the applicant to work with staff on a redesign (at staff level) of that part of the site should a user be identified and willing to adjust the site layout and parking.

In addition, the Applicant is required to provide 1 large and 2 small loading spaces in accordance with Zoning Ordinance Section 1-19-6.210. The Applicant has complied with this required by placing one large loading space to the rear of the 8,000 square foot building and two small loading spaces to the rear of the 8,125 square foot proposed building.

5. **Bicycle Parking §1-19-6.220 (H):** The Applicant is required to provide a maximum of 10 racks in accordance with the proposed parking spaces. The Applicant is proposing 10 bicycle racks throughout the site in accordance with the Zoning Ordinance minimum requirements.
6. **Pedestrian Circulation and Safety §1-19-6.220 (G):** The Applicant will provide sidewalks along Governor's Way and Pegasus Court. Pedestrian connections are proposed between the adjacent parcel to the south as well as down Pegasus Court to MD 85. Crosswalks are proposed across Pegasus Court and Governor's Way as well as leading into the site.

Conditions The Applicant has requested Planning Commission approval of a parking modification in accordance with Section 1-19-6.200.A.1 in order to construct 61 additional parking spaces over the required number of 189 (See Exhibit #3).

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

Findings/Conclusions

1. **Public Water and Sewer:** The site is to be served by public water and sewer and is classified W-1, S-1. The entire site is in pressure Zone #1 with water coming from New Design WTP and Sewer flowing into the Ballenger McKinney WWTP.

Conditions: A waste fixture count must be performed by the Frederick County DUSWM, Division of Engineering and Planning before a building permit can be approved.

Natural features §1-19-3.300.4 (D): *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

Findings/Conclusions

1. **Topography:** Lot 15 is flat and sits slightly higher than MD 85. The proposed plan will not significantly alter the existing topography on site.
2. **Vegetation:** The Applicant is proposing a landscape plan in accordance with Zoning Ordinance Section 1-19-6.400.
3. **Natural Hazards:** Based on available mapping, no wetlands, or FEMA floodplain are located on the site.

Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

Findings/Conclusions

1. **Proposed Common Area:** There are no common areas required or proposed as part of this development.

Other Applicable Regulations

Stormwater Management – Chapter §1-15.2: This development will comply with the MD 2000 Storm Water Design Guidelines and a SWM Administrative Waiver was approved on 9/28/12 (AP #12953). A Waiver for quantity control was approved on 6/22/07 (AP #3266).

APFO – Chapter §1-20:

1. **Schools.** This development proposal is exempt due to the non-residential uses proposed.
2. **Water/Sewer.** While the public sewer and water facilities are currently adequate to serve the Project, the Applicant is aware that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded and building permits will be issued. Plat recordation and building permit issuance is subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et seq. and all applicable County regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.
3. **Roads:** In accordance with the final revised March 28, 2008 Traffic Impact Analysis by The Traffic Group, the uses on this lot (Lot 15) and Lot 1 are capped at a total (combined) amount of 212 A.M. and 255 P.M. weekday peak hour vehicle driveway trips.

As a condition of the 2008 APFO approval of the development of Lots 1 and 15, the Applicant has already paid its proportionate contribution to 13 individual escrow accounts totaling \$168,029. The purpose of the current APFO approval is to combine the previous approvals for Lots 1 and 15, including the caps and escrow contributions, in order to accommodate a downsized Lot 1 and an upsized Lot 15.

Since the combination of these pending applications does not increase overall trip intensity, the prior contributions vest APFO for Lots 1 and 15. Any building expansion, vertically or horizontally, or combination of uses within the buildings as described on the site plans, that would cause Lots 1 and 15 to exceed the stated trip cap in either the A.M. or P.M. peak hours, will require re-testing under the APFO in existence at that time.

The Developer is required to submit a brief trip “scorecard” with each building permit or subsequent site plan to account for the trip variations of the different uses, in order to assure compliance with the trip cap.

Forest Resource – Chapter §1-21: The Applicant mitigated FRO via a fee-in-lieu in 2008 under AP #7689.

Historic Preservation – Chapter §1-23: There are no Historic Resources located on this site.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Development Review Engineering (DRE):	Conditional Approval: Minor changes that will take place at IP Stage.
Development Review Planning:	Address all agency comments as the plan proceeds through to completion.
State Highway Administration (SHA):	Conditional Approval
Div. of Utilities and Solid Waste Mngt. (DUSWM):	Conditional Approval
Health Dept.	Conditional Approval
Office of Life Safety	Conditional Approval
DPDR Traffic Engineering	Conditional Approval
Historic Preservation	N/A

RECOMMENDATION

Staff has no objection to conditional approval of the Site Plan and APFO. APFO approval is vested. If the Planning Commission conditionally approves the site plan, the site plan shall be valid for a period of three (3) years from the date of Planning Commission approval. The previous APFO approvals are vested unless the trip caps are exceeded.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

1. Address all agency comments as the plan proceeds through the process to completion.
2. The Developer is required to submit a brief trip “scorecard” with each building permit or subsequent site plan to account for the trip variations of the different uses, in order to assure compliance with the trip cap for Lots 1 and 15.

3. A waste fixture count must be performed by the Frederick County DUSWM, Division of Engineering and Planning before a building permit can be approved.
4. The proposed uses comply with applicable supplementary Industrial district regulations as well as the Industrial District Performance Standards provided in § 1-19-7.600 and § 1-19-7.610, respectively.
5. Approval of the parking modification in accordance with Section 1-19-6.200.A.1 in order to construct 61 additional parking spaces over the required number of 189.

PLANNING COMMISSION ACTION

MOTION TO MODIFY AND APPROVE AS MODIFIED

I move that the Planning Commission **APPROVE** Site Plan SP 96-35 AP # 12952 **with conditions** as listed in the staff report for the proposed Center at Monocacy Lot 15, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.





COMMUNITY DEVELOPMENT DIVISION
FREDERICK COUNTY, MARYLAND
Department of Planning and Development Review
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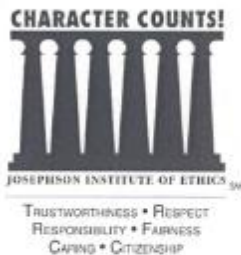
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**DEPARTMENT OF
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Department Director



**CONFIRMATORY ADEQUATE PUBLIC FACILITIES
LETTER OF UNDERSTANDING**

Center at Monocacy Lots 1 and 15

Site Plan # SP 96-35 (AP #12948/12954)

In General: The following Confirmatory Letter of Understanding ("**Letter**") between the Frederick County Planning Commission ("**Commission**") and St. John Properties, Inc. ("**Developer**"), together with its/their successors or assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the approved site plans for general office, retail and restaurants (the "**Project**"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("**APFO**").

The Developer, its successors or assigns, hereby agrees and understands that unless the required improvements are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 3.116 +/- acre parcel of land (Lot 1) and 3.69 +/- parcel of land (Lot 15), which are both zoned Limited Industrial (LI), and located on the north and south side of Pegasus Court, respectively and along the east side of MD 85. This APFO approval will be effective for development of a new one story mixed use office/commercial building (Lot 1) and two free standing restaurants (Lot 15), which are shown on the site plans submitted to the Commission for approval on December 12, 2012.

Schools: Schools are not impacted because the development of the property is a non-residential use.

Water and Sewer Improvements:

The Property has a water and sewer classification of W-1 (Dev), S-1 (Dev). While the public sewer and water facilities are currently adequate to serve the Project, the Applicant acknowledges that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded and building permits will be issued. Plat recordation and building permit issuance is subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et seq. and all applicable County regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.

Center at Monocacy Lot 15

December 12, 2012

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Road Improvements: In accordance with the final revised March 28, 2008 Traffic Impact Analysis by The Traffic Group, the uses on these two lots are capped at a total (combined) amount of 212 A.M. and 255 P.M. weekday peak hour vehicle driveway trips. As a condition of the 2008 APFO approval of the development of Lots 1 and 15, the Developer has already paid its proportionate contribution to 13 individual escrow accounts totaling \$168,029. This Letter combines the previous APFO approvals for Lots 1 and 15, including the caps and escrow contributions.

Since the combination of these pending applications does not increase overall trip intensity, the prior contributions vest APFO for Lots 1 and 15.

Period of Validity: The combined APFO approval for Lots 1 and 15 is vested by the prior contributions described above. However, any building expansion, vertically or horizontally, or combination of uses within the buildings as described on the site plans, that causes Lots 1 and 15 to exceed the stated trip cap in either the A.M. or P.M. peak hours, will require re-testing under the APFO in existence at that time.

Disclaimer: This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

DEVELOPER:

By: Matthew F. Holbrook for St. John Properties, Inc. Date: 11/28/12
Name: Matthew F. Holbrook
Title: Regional Partner

FREDERICK COUNTY PLANNING COMMISSION:

By: _____ Date: _____
Dwayne E. Robbins, Chair or William G. Hall, Secretary

ATTEST:

By: _____ Date: _____
Gary Hessong, Director, Division of Permits & Inspections

Planner's Initials / Date _____
County Attorney's Office Initials / Date _____
(Approved as to legal form)



Harris, Smariga & Associates, Inc.

Planners/Engineers/Surveyors
125 S. Carroll Street, Suite 100/Frederick, MD 21701
301-662-4488/FAX 301-662-4906

November 27, 2012

Mr. Tolson DeSa
Frederick County DPDR
30 N. Market Street
Frederick, MD 21701

Re: Center at Monocacy Lot 15 A/P # 12952
Parking Space Justification Letter
H.S.A. Job #4694 Lot 15

Dear Tolson:

The site plan for the Lot 15 Center at Monocacy is currently under county review. Two separate buildings are proposed on the site and include an 8,000sf freestanding restaurant at 5101 Pegasus Court and an 8,125sf restaurant / retail building at 5105 Pegasus Court, Frederick, MD 21704. In accordance with your request, this justification letter is being provided for the requested number of parking spaces to exceed the maximum allowed by the parking calculations.

Per section 1-19-6.220(A) of the Zoning Ordinance, restaurant and retail parking required for these two buildings is 189 spaces. As shown on the site plan 250 spaces are proposed for the site.

The developer, St. John Properties, Inc. is in the midst of lease negotiations with a national restaurant chain for a free standing restaurant at 5101 Pegasus Ct. That national chain states that ample parking is fundamental to their site selection process. They informed us that our location was selected over another comparable location in the City of Frederick because the other location could not provide enough parking for their patrons. The national chain is demanding at least 170 parking spaces, leaving the adjacent building at 5105 Pegasus Ct. with 80 dedicated spaces. A restaurant is also proposed at this location and similar circumstance results in a slight over park of this building as well. Their preference is for even more parking than we are offering. Because the property is bordered by three roadways, the property is an "island" with regard to parking with very limited potential for shared or overflow parking on adjacent properties.

By providing the parking that is being requested by the restaurant chain, we are forgoing more development potential on the property. Since we only get rent for buildings, not for parking spaces, it is in our best interest to minimize the number of parking spaces we are required to build. However, in trying to capture the prospective tenant and to bring new business to the County, we are requesting the approval of 250 parking spaces as shown on this Site Plan application.

Thank you for your consideration. Please contact me if you need additional information.

Sincerely,

Samuel Francis Zeller
Project Manager

T:\4694-00000\Correspondence\Parking Justification Letter 11.30.12